

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 14, 2004

**IN THE MATTER OF THE SELECTION OF THE
ACTING ADMINISTRATIVE PRESIDING JUSTICE**

Pursuant to article VI, section 3, of the California Constitution, and Rule 75 of the California Rules of Court, the following presiding justices are selected to serve as Acting Administrative Presiding Justice in the order shown:

1. The Honorable Vaino Spencer, from November 1, 2004, through December 31, 2004.
2. The Honorable Joan D. Klein, from January 1, 2005, through February 28, 2005.
3. The Honorable Norman L. Epstein, from March 1, 2005, through April 30, 2005.
4. The Honorable Paul Turner, from May 1, 2005 through, June 30, 2005.
5. The Honorable Dennis M. Perluss, from July 1, 2005, through August 31, 2005.
6. The Honorable Candace D. Cooper from September 1, 2005, through October 31, 2005.

During the absence or inability to act of an Acting Administrative Presiding Justice, the next listed justice shall serve; for purposes of this provision, the presiding justice first listed follows the presiding justice last listed.

Dated: October 14, 2004

Roger W. Boren
Administrative Presiding Justice
Second Appellate District

DIVISION FIVE

B172976 Los Angeles County, D.C.S. (Not for Publication)
v.
Deborah G.,
Kevin G.

The appeal is dismissed.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

B172420 People (Not for Publication)
v.
Santoe A.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

B172907 Ann Marie Krantz (Not for Publication)
v.
The City of Los Angeles

The judgment is reversed. The trial court is directed to vacate its order granting summary judgment and enter a new and different order denying the motion for summary judgment. The trial court is further directed to conduct further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
Mosk, J.

DIVISION FIVE (Continued)

B174793 Caremore Medical Group et al. (Not for Publication)
 v.
 S.C.L.A.
 Downey Regional Medical Center Inc. et al.

The mandate petition is granted. The respondent court is to set aside its order granting summary adjudication as to the third cause of action in the cross-complaint. The respondent court is to enter a new order denying the summary adjudication motion as to the third cause of action in the cross-complaint. Cross-complainants, CareMore Medical Group and CareMore Insurance Services, Inc., are to recover their costs incurred in connection with this writ proceeding jointly and severally from cross-defendants, Downey Regional Medical Center, Inc., DRMC Insurance Services, Inc., and Downey Community Hospital Foundation.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B174723 Los Angeles County, D.C.S.
 v.
 Michael H.
 In re Nyoka H.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed April 19, 2004) dismissed as moot.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Deputy Clerk.

Each of the following:

B167765 People v. Gomez
B169224 People v. Brock

DIVISION SIX (Continued)

Each of following (Continued):

B169804 People v. Shapiro
B169923 People v. Faulks
B170170 People v. Aguilar
B170178 People v. Villareal
B170421 People v. Amaya
B171045 People v. Juarez
B171952 People v. Williams
B172087 People v. Jones
B172761 People v. Mills
B175003 People v. Argueta

Argument waived, cause submitted

B168011 People v. Davis

Ordered off calendar.

B176808 People v. Thompson

Argument continued to November, 2004.

B170355 People
 v.
 Thoma

Merits:

Argued by Susan P. Stone for appellant and argument previously waived by respondent. Appellant shall serve and file a supplemental brief within twenty-one (21) days. Respondent shall have twenty-one (21) days thereafter to serve and file a reply, at which time, the matter will stand submitted.

DIVISION SIX (Continued)

B171446 People
 v.
 Moreno

Merits:
Argued by Richard C. Gilman for appellant and by Jamie L. Fuster, Deputy Attorney General, for respondent via video conference. Cause submitted.

B173074 People
 v.
 Hernandez

Merits:
Argued by Leonard J. Klaif for appellant and by Herbert S. Tetef, Deputy Attorney General, for respondent via video conference. Cause submitted.

B170287 People
 v.
 Perry

Merits:
Argued by Sally P. Brajevich for appellant via video conference and by Adrian Tigmo, Deputy Attorney General, for respondent via video conference. Cause submitted.

B173127 People
 v.
 Hardin

Merits:
Argued by Sylvia W. Beckham for appellant and by John Yang, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B169388 People
 v.
 Woolley

Merits:
Argued by Larry S. Dushkes for appellant and by Ellen Birnbaum Kehr, Deputy Attorney General, for respondent via video conference. Cause submitted.

B172428 People
 v.
 Salas

Merits:
Argued by Richard B. Lennon for appellant and by Jack Newman, Deputy Attorney General, for respondent via video conference. Cause submitted.

B168794 People
 v.
 Ebert

Merits:
Argued by Melissa J. Kim for appellant and by Gary A. Lieberman, Deputy Attorney General, for respondent via video conference. Cause submitted.

B169161 People
 v.
 Gutierrez

Merits:
Argued by Richard C. Gilman for appellant and by Sharon E. Loughner, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B170953 People
 v.
 Villasenor

Merits:
Argued by Christopher Hawthorne for appellant and by Lawrence M. Daniels, Deputy Attorney General, for respondent via video conference. Cause submitted.

B172437 People
 v.
 Patrick

Merits:
Argued by Richard C. Gilman for appellant and by Jennifer A. Jadovitz, Deputy Attorney General, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

B167543 People
 v.
 Callahan

Merits:
Argued by Michael A. Katz, Deputy Attorney General, for appellant and by Catherine A. Duffy for respondent. Cause submitted.

Court adjourned at 4:25 P.M.

B170198 Navarro
 v.
 Perron

Filed order denying petition for rehearing.

DIVISION SIX (Continued)

B169939 People
 v.
 Allen

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B165908 People v. Ayers
B166718 People v. Overby
B167481 People v. Haney
B167795 People v. Garcia
B168240 People v. Galvez
B168928 People v. Romano
B169294 People v. Gonzalez
B169445 People v. Raymond S.
B169833 People v. Sergio B.
B169847 People v. Nunez
B170298 People v. Jeon
B171108 People v. Rojas
B171180 People v. McSween
B171311 People v. Gray
B169434 Verbukh v. California Department of Health
B173113 In re Patricia Wright on Habeas Corpus

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B168680 People
 v.
 Christophe

Merits:
Argued by Kathleen Redmond for appellant and by Myung Park, Deputy Attorney General for respondent. Cause submitted.

B151922 People
 v.
 Medina

Merits:
Argued by Dan Mrotek for appellant and by Ryan Smith, Deputy Attorney General for respondent. Cause submitted.

B165580 People
 v.
 Juarez

Merits:
Argued by Sylvia Baiz for appellant and by Herb Tetef, Deputy Attorney General for respondent. Cause submitted.

B170634 People
 v.
 Hernandez

Merits:
Argued by Robert Bacon for appellant and by Adrian Tigmo, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B167122 People
 v.
 Barnes

Merits:
Argued by Nana Gyamfi for appellant and by James Bilderback, Deputy Attorney General for respondent. Cause submitted.

B168012 People
 v.
 Fix

Merits:
Argued by Eric Larson for appellant and by Myung Park, Deputy Attorney General for respondent. Cause submitted.

B165079 World News
 v.
 Robles

Merits:
Argued by Douglas Benedon for appellants and by H. Scott Leviant for respondents. Cause submitted.

B167836 Daidone
 v.
 Alchemy Glass & Light

Merits:
Argued by Scott Cummings for appellant and by Scott Seiden for respondent. Cause submitted.

Court recessed at 12:00 p.m.

DIVISION SEVEN (Continued)

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B172987 Roth
 v.
 Western Mutual Insurance

Merits:
Argued by Jeffrey Ehrlich for appellant and by Robert Kaufman for respondent. Cause submitted.

B167125 Greyhound Lines
 v.
 D'Ambrosio
 Bellflower Medical Center

Merits:
Argued by Dana Fox for appellant and by Mark Connely and Robert Dato for respondents. Cause submitted.

B167668 Arcaro
 v.
 Silva

Merits:
Argued by Nate Kraut for appellant and by Geroge Coleman for respondent. Cause submitted.

B172245 Guy
 v.
 Jordan

Merits:
Argued by Lynn Poulson for appellant and by William Aitken for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B166053 Spelling
 v.
 Bilow
 Fort Hill Construction

Merits:

Argued by Robert Chapman for appellants and by Robert Stellwagen and Phil Woog for respondents. Cause submitted.

Court adjourned at 3:35 p.m.

DIVISION EIGHT

B173398 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Coralia C.,
 In re Alexander M., A Person Coming Under the Juvenile Court Law

Respondent's request for judicial notice is granted. Subsequent to denial of the petition involved in this appeal, appellant's parental rights to Alexander were terminated. The appeal from the order terminating parental rights was dismissed by this court on August 27, 2004, pursuant to Sade C. Dismissal of the appeal of the order terminating parental rights renders moot this appeal of the prior order. (9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, § 642, p. 669; In re Dani R. (2001) 89 Cal.App.4th 402, 404.) The appeal is dismissed as moot.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

DIVISION EIGHT (Continued)

B170189 Arthur Bernier (Not for Publication)
 v.
 Artists Management Group

The order is affirmed. Respondent is to recover his costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

B170810 People (Not for Publication)
 v.
 Christopher Jones

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

B167037 Westside Concrete Company, Inc. (Not for Publication)
 v.
 Division Of Labor Standards Enforcement et al.

The order sustaining, without leave to amend, the demurrers of DLSE and IWC is affirmed only to the extent the complaint raises the now-moot issue of the IWC's authority to promulgate a penalty for violation of Wage Order 1. In all other respects, the order is reversed. Each party shall bear its own costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.